

Washington, Wednesday, September 7, 1938

## The President

OUACHITA NATIONAL FOREST-ARKANSAS BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

WHEREAS certain lands in the State of Arkansas which have been acquired or are in process of acquisition by the United States through the Farm Security Administration under authority of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), together with certain adjoining public lands, are adjacent to the Ouachita National Forest; and

WHEREAS it appears that such lands are suitable for national-forest purposes and that it would be in the public interest to reserve and include them as part of the said Ouachita National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U.S.C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), the said National Industrial Recovery Act, the said Emergency Relief Appropriation Act of 1935, and section 32 (c) of the act of July 22, 1937, 50 Stat. 526, do proclaim (1) that all lands of the United States within the areas shown as additions on the diagram attached hereto and made a part hereof are hereby included in and reserved as a part of the Ouachita National Forest, and (2) that all lands within such areas which are in process of acquisition by the United States through the Farm Security Administration under the authority of the said National Industrial Recovery Act and the said Emergency Relief Appropriation Act of 1935 shall upon the acquisition of title thereto be reserved and administered as part of the said Forest.

The reservation made by this proclamation shall as to all lands which are at this date legally appropriated under the public-land laws or reserve for any public purpose other than for classification under Executive Order No. 6964 of February 5, 1935, as amended, be subect to, and shall not interfere with or defeat, legal rights under such appropriation, nor prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

Executive Order No. 7662 of July 17, 1937, withdrawing certain public lands in Arkansas for the use of the Department of Agriculture, is hereby revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 30th day of August in the year of our Lord nineteen hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL. Secretary of State.

[No. 2296]

[F. R. Doc. 38–2607; Filed, September 2, 1938; 12:16 p. m.]

### Rules, Regulations, Orders

## TITLE 7—AGRICULTURE

## AGRICULTURAL ADJUSTMENT ADMINISTRATION

ORDER OF THE SECRETARY OF AGRICULTURE, ISSUED PURSUANT TO PUBLIC ACT NO. 10. 73D CONGRESS, AS AMENDED AND AS RE-ENACTED AND AMENDED BY THE AGRI-CULTURAL MARKETING AGREEMENT ACT OF 1937, REGULATING THE HANDLING IN INTERSTATE COMMERCE, AND SUCH HAN-DLING AS DIRECTLY BURDENS, OBSTRUCTS, OR AFFECTS INTERSTATE COMMERCE, OF MILK IN THE TOLEDO, OHIO, MARKETING

Whereas, under the terms and provisions of Public Act No. 10, 73d Congress,

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as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture of the United States is empowered, after due notice and opportunity for hearing,1 to enter into marketing agreements with processors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, under the terms and provisions of said act, the Secretary of Agriculture is empowered to issue orders applicable to processors, producers, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of section 8c, such orders to regulate only such handling of such agricultural commodity or product thereof as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, the Secretary, having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of milk in the Toledo, Ohio, marketing area, would tend to effectuate the declared policy of said act gave notice on the 28th day of April 1938 of a hearing to be held on the 10th day of May 1938 at Toledo, Ohio, on a proposed marketing agreement and a proposed order, said hearing being reopened at Toledo, Ohio, on the first and 15th days of June 1938 for the purpose of receiving additional evidence, and at said times and places conducted public hearings at which all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and the proposed order; and

Whereas, the Secretary has found and proclaimed the period August 1919-July 1929 to be the base period to be used in connection with ascertaining the purchasing power of milk handled in the Toledo, Ohio, marketing area; and

Whereas, after said hearings and after the tentative approval of a marketing agreement by the Secretary on July 30,

3 F. R. 1893 DI.

1938, handlers of more than 50 percent of the volume of milk covered by this order, which is marketed within the Toledo, Ohio, marketing area, refused or failed to sign such tentatively approved marketing agreement; and

Whereas, the Secretary determined on the 2d day of Sept. 1938, said determination being approved by the President of the United States on the 2d day of Sept. 1938, that said refusal or failure to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of said acc and that the issuance of this order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area and is approved or favored by more than twothirds (%) of the producers who participated in a referendum thereon conducted by the Secretary on August 6. 1938, and who during the month of May 1938 (said month having been determined by the Secretary to be a representative period) were engaged in the production of milk for sale in the Toledo, Ohio, marketing area; and

Whereas, the provision of the order providing for the payment to all producers delivering milk to the same handler of uniform prices for all milk delivered by them is approved or favored by at least three-fourths of the producers who, during the month of May 1938 (said month having been determined by the Secretary to be a representative period) were engaged in the production for market of milk covered in such order, said approval being separate and apart from the approval of producers as set forth above; and

Whereas, the Secretary finds that the expenses which the market administrator will necessarily incur during any twelvemonth period of time for the maintenance and functioning of such agency for the administration of this order will be approximately \$18,000 and that the payment by each handler of 2 cents per hundredweight on all milk received from producers is a proper maximum pro rata share of such expenses; and

Whereas, the Secretary finds, upon the evidence introduced at said hearings:

1. That approximately 26 percent of the producers engaged in the production of milk for sale in the Toledo, Ohio, marketing area produce, outside the State of Ohio, milk which is delivered to handlers who distribute milk in said marketing area; and

2. That the milk originating in States other than Ohio enters the current of interstate commerce; that the milk originating in the State of Ohio is inextricably intermingled with that milk which is in the current of interstate commerce and in such amount that it is impossible to regulate that milk originating in States other than Ohio without regulating that milk which originates in the State of Ohio; and that the han-

dling of milk in the Toledo, Ohio, mar-1 keting area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce: and

- That orderly marketing conditions 3. for milk flowing into the Toledo, Ohio, marketing area are threatened with disruption which will result in an impairment of the purchasing power of milk handled in said marketing area, and that the issuance of this order and all its terms and conditions will tend to effectuate the declared policy of said act;
- 4. That the prices calculated to give milk handled in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8e of said act, are not reasonable in view of the price of feeds, the available supplies of feed, and other economic conditions which affect the supply and demand for such milk, and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and
- 5. That this order regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement upon which hearings have been held.

NOW, THEREFORE, the Secretary of Agriculture, pursuant to the authority vested in him by said act, hereby orders

Toledo, Ohio, marketing area as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce, shall, from the effective date hereof, be in conformity to and in compliance with the following terms and conditions.

#### ARTICLE L-DEFINITIONS

SECTION 1. Terms. - The following terms shall have the following meanings:

- 1. "Secretary" means the Secretary of Agriculture of the United States.
- 2. "Toledo, Ohio, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Toledo, and the towns and villages of Ottawa Hills, Maumee, Sylvania, Harbor View, Rossford, and Trilby, in Lucas County, and the township of Perrysburg in Wood County, all in the State of Ohio, and the village of Lakeside in Monroe County. Michigan.
- 3. "Person" means any individual, partnership, corporation, association, and any other business unit.
- "Producer" means any person who produces milk which is delivered to the plant of a handler from which milk is sold in the marketing area: Provided, That if such producer has not regularly distributed milk in the marketing area or has not sold milk to a handler for a period of 30 days prior to the effective date hereof but begins the regular de-

that such handling of milk in the livery of milk to a handler, he shall be known as a "new producer" for a period beginning with the date of his first delivery of milk and including the first two full calendar months following the date of such first delivery to a handler, after which he shall be known as a producer.

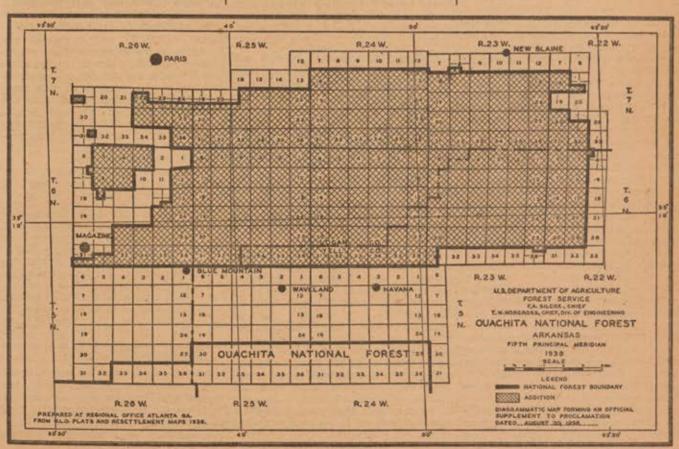
- 5. "Handler" means any person who, on his own behalf or on behalf of others, purchases or receives milk from producers, associations of producers, or other handlers, all or a portion of which milk is sold as milk in the marketing area, and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.
- 6. "Delivery period" means the current marketing period from the first to, and including, the 15th day of each month, and from the 16th to, and including, the last day of each month.

### ARTICLE II .- MARKET ADMINISTRATOR

Section 1. Destination .- The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

Sec. 2. Powers.-The market administrator shall:

1. Administer the terms and provisions hereof:



of violation of the provisions hereof.

Sec. 3. Duties .- The market administrator shall:

- 1. Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary:
- 2. Pay, out of the funds provided by article VIII, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

3. Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate:

- 4. Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within two days after the date upon which he is required to perform such acts. has not (a) made reports pursuant to article III or (b) made payments pursuant to article VII; and
- 5. Promptly verify the information contained in the reports submitted by handlers.

### ARTICLE III .- REPORTS OF HANDLERS

Section 1. Submission of reports.-Each handler shall report to the market administrator, in the detail and form prescribed by the market administrator, as

- 1. On or before the 5th day after the end of each delivery period (a) the receipts of milk at each plant from producers and new producers, (b) the receipts of milk at each plant from handlers, (c) the receipts at each plant of the milk, if any, produced by him, (d) the utilization of all receipts of milk for the delivery period, and (e) the name and address of each new producer.
- 2. Within 10 days after the market administrator's request with respect to any producer and new producer for whom such information is not in the files of the market administrator and with respect to a period or periods of time designated by the market administrator (a) the name and address, (b) the total pounds of milk delivered, (c) the average butterfat test of milk delivered, and (d) the number of days upon which deliveries were made.
- 3. On or before the 20th day after the end of each delivery period, his producer pay roll, which shall show for each producer and new producer (a) the total delivery of milk with the average butterfat test thereof, (b) the net amount of the payment to such producer and new producer made pursuant to article VII, and (c) the deductions and charges made by the handler.
- 4. On or before the 5th day after the end of each delivery period, the sale or disposition of Class I or Class II milk market administrator.

2. Report to the Secretary complaints outside the marketing area, pursuant to section 2 of article V, as follows: (a) the amount and the utilization of such milk, (b) the butterfat test thereof, (c) the date of such sale or disposition, (d) the point of use, (e) the plant from which such milk is shipped, (f) the price per hundredweight to be paid to producers for such milk, and (g) such other information with respect thereto as the market administrator may require.

> 5. On or before the 5th day after the effective date hereof a schedule which will show transportation rates which are charged and paid for the transportation of milk from the farm of each producer and new producer to such handler's plant.

> 6. On or before the 5th day after any changes are made in the schedule filed in accordance with paragraph 5, a copy of the revised schedule with the effective dates of such changes as may appear in

the revised schedule.

SEC. 2. Verification of reports.-Each handler shall make available to the market administrator or his agent (1) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this article, and (2) those facilities necessary for the checking of the weighing and sampling of milk and for determining the utilization of milk being made by the handler.

### ARTICLE IV .- CLASSIFICATION OF MILK

Section 1. Class Definitions .- Milk received by each handler, including milk produced by him, if any, shall be classified by the market administrator as fol-

- 1. Class I milk shall be all milk sold or given away in the form of milk, whether plain or flavored, and all milk not accounted for as Class II milk or Class III milk;
- 2. Class II milk shall be all milk used to produce cream which is sold or given away in the form of cream (for consumption as cream), creamed buttermilk, and creamed cottage cheese;
- 3. Class III milk shall be all milk used to produce a milk product other than one of those specified in Class II, and all milk accounted for as actual plant shrinkage but not to exceed 3 percent of the total receipts of milk.

SEC. 2. Interhandler and nonhandler sales .- Milk sold or delivered by handler to another handler, and milk sold by a handler to a person who is not a handler but who distributes milk or manufactures milk products, shall be classified as Class I milk: Provided, That if the selling handler on or before the 5th day after the end of the delivery period furnishes to the market administrator a statement which is signed by the buyer and seller, that such milk was disposed of as Class II milk or Class III milk, such milk shall be classified accordingly, subject to verification by the

- SEC. 3. Computation of butterfat in each class.-For each delivery period, the market administrator shall compute for each handler the butterfat in each class, as set forth in section 1, as follows:
- 1. Determine the total pounds of butterfat received as follows: (a) multiply the weight of the milk received from producers and new producers by the average butterfat test, (b) multiply the weight of the milk produced by him, if any, by the average butterfat test, (c) multiply the weight of the milk received from handlers, if any, by the average butterfat test, and (d) add together the resulting amounts.
- 2. Determine the total pounds of butterfat in Class I milk as follows: (a) convert to quarts the quantity of milk. whether plain or flavored, sold or given away in the form of milk, and multiply by 2.15, (b) multiply the result by the average butterfat test of such milk, and (c) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to paragraphs 3 and 4 of this section, is less than the total pounds of butterfat received, computed in accordance with paragraph 1. an amount equal to the difference shall be added to the quantity of butterfat determined pursuant to (b) of this paragraph.

3. Determine the total pounds of butterfat in Class II milk as follows: (a) multiply the actual weight of the several products of Class II milk by the average butterfat test thereof and (b) add to-

gether the resulting amounts.

4. Determine the total pounds of butterfat in Class III milk as follows: (a) multiply the actual weight of the several products of Class III milk by the average butterfat test thereof, (b) multiply the weight of a quantity of milk equal to the plant shrinkage, which shall not exceed 3 percent of the total receipts of milk by the handler, by the average butterfat test of milk received from producers and new producers, and (c) add together the resulting amounts.

5. Determine the classification of the butterfat received from producers and

new producers, as follows:

(a) Subtract from the total pounds of butterfat in each class the total pounds of butterfat which were received from other handlers and used in such class.

(b) In the case of a handler who also distributes milk of his own production, subtract from the total pounds of butterfat in each class a further amount which shall be computed as follows: divide the total pounds of butterfat in said class by the total pounds of butterfat in all classes and multiply by the total pounds of butterfat produced by him.

Sec. 4. Computation of Milk in Each Class.-For each delivery period, the market administrator shall compute for each handler the hundredweight of milk in each class, which was received from producers and new producers, as follows:

1. Divide the total pounds of butterfat computed for each class in accordance with paragraph 5 of section 3 of this article by the average test of all milk received from producers and new producers by such handler.

## ARTICLE V .- MINIMUM PRICES

Section 1. Class prices.-Except as set forth in section 2 of this article, each handler shall pay, at the time and in the manner set forth in article VII, not less than the following prices for milk received at such handler's plant:

Class I milk - \$2.35 per hundredweight.

Class II milk - \$1.65 per hundredweight.

Class III milk-The price per hundredweight which shall be calculated by the market administrator as follows: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture, for the delivery period during which such milk is delivered, and add 15 percent thereof.

SEC. 2. Sales outside the marketing area.-The respective prices for Class I milk and Class II milk set forth in section 1 of this article shall not apply to milk sold or disposed of in such classes outside the marketing area. However, the market administrator, in computing the uniform price for each handler pursuant to section 1 of article VI, shall determine the value of such milk by applying the prices per hundredweight which the handler has reported, pursuant to paragraph 4 of section 1 of article III.

ARTICLE VI - DETERMINATION AND AN-NOUNCEMENT OF UNIFORM PRICES TO PRODUCERS

SECTION 1. Computation of Uniform Price for Each Handler.-For each delivery period, the market administrator shall compute for each handler the uniform price per hundredweight of milk received at such handler's plant as follows:

- 1. (a) Multiply the hundredweight of Class I milk and of Class II milk sold or disposed of in the marketing area by the respective class price, (b) multiply the hundredweight of Class III milk by the Class III price, (c) add together the resulting amounts, and (d) add to the sum obtained in (c) of this paragraph an amount equal to the total value of milk determined in accordance with section 2
- 2. Subtract the total amount to be paid pursuant to paragraph 2 of section 1
- 3. If, in the verification of the reports of such handler, the market administrator discovers error in such reports, or errors in payments to producers or new producers, there shall be added or subtracted, as the case may be, the amount of money necessary to correct such

received from producers other than the milk represented by the amount subtracted in paragraph 2; and

5. Adjust the resulting price to the nearest cent.

SEC. 2. Announcement of prices .- On or before the 12th day after the end of each delivery period the market administrator shall notify each handler of the uniform price computed for him and of the price for milk received from new producers and shall make public announcement of such prices. On or before the 12th day after the end of each delivery period the market administrator shall also announce the prices which each handler reports, pursuant to paragraph 4 of section 1 of article III.

### ARTICLE VIL-PAYMENT FOR MILK

Section 1. Time and Method of Payment.-On or before the 15th day after the end of each delivery period, each handler shall make payment, subject to the butterfat differential set forth in section 2. to producers from whom milk was received during such delivery period as fol-

- 1. To producers, except as set forth in paragraph 2 of this section, at not less than the uniform price per hundredweight computed for such handler pursuant to section 1 of article VI; and
- 2. To each new producer, as defined in paragraph 4 of section 1 of article I, at not less than the Class III price.

SEC. 2. Butterfat differential.-If a handler has received from a producer or a new producer, during any delivery period, milk having an average butterfat content other than 3.5 percent, such handler, in making payments pursuant to section 1 of this article, shall add to the price to be paid each producer or new producer, for each one-tenth of one percent of average butterfat content above 3.5 percent, or shall deduct from such price, for each one-tenth of one percent of average butterfat content below 3.5 percent, an amount per hundredweight as follows:

Three (3) cents, if the average butter price used in section 1 of article V is 30 cents or less; or

Four (4) cents, if the average butter price used in section 1 of article V is more than 30 cents.

Sec. 3. Additional payments.-Any handler may make payments for milk in addition to the payments to be made pursuant to section 1: Provided, That such additional payments shall be made on a uniform basis for all milk of like grade and quality received by him.

### ARTICLE VIII .- EXPENSE OF ADMINISTRATION

Section 1. Payment of handlers .- As his pro rata share of the expense of administration hereof, each handler, with respect to all milk received from producers, an association of producers, new producers, or produced by him during

4. Divide by the hundredweight of milk | ket administrator on or before the 10th day after the end of the delivery period that amount per hundredweight, subject to review by the Secretary and not to exceed 2 cents per hundredweight, which is announced on or before the 8th day after the end of such delivery period by the market administrator.

### ARTICLE IX .- MARKETING SERVICES

Section 1. Deductions for marketing services.--Each handler shall deduct an amount not exceeding 2 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the Secretary) from the payments made direct to producers and new producers pursuant to article VII, with respect to all milk received by such handler during the delivery period from producers and new producers, and shall pay such deductions to the market administrator on or before the 10th day after the end of such delivery period. Except as set forth in section 2 of this article, such moneys shall be expended by the market administrator only for market information to, and for verification of weights, samples, and tests of milk received from, said producers and new producers.

SEC. 2. Payment to an association .-In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act." is actually performing (as determined by the market administrator, subject to review by the Secretary) the services set forth in section 1 of this article, the market administrator shall pay to such association, with respect to the deliveries of milk of producers and new producers who are members of or who are marketing their milk through such association, an amount per hundredweight equal to the per hundredweight deduction made from all producers and new producers pursuant to section 1 of this article.

### ARTICLE X .- AMENDMENT, SUSPENSION, AND TERMINATION

Section 1. Effect of amendment, suspension, or termination.-The amendment, suspension, or termination of any or all of the provisions of this order shall not affect, waive, or terminate any right, duty, obligation, violation, or liability which shall have arisen, or may thereafter arise, in connection with any of the provisions herein.

Sec. 2. Power of the market administrator to liquidate.-Upon the suspension or termination of this order, the powers and duties of the market administrator shall be continued for the purpose of permitting the market administrator then functioning, or such other person as the Secretary may designate, to: (1) reduce all assets to cash, (2) pay all costs of liquidation, (3) distribute all remaining cash on hand to the delivery period, shall pay to the mar- the parties entitled to receive the same, and (4) ship all books and records to failure in flying, or who has completed of station or address. Failure to do the Secretary for filing.

#### ARTICLE XL-LIABILITY

Section 1. Handlers .- The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

Now, therefore, M. L. Wilson, Acting Secretary of Agriculture, acting under the provisions of the Agricultural Marketing Agreement Act of 1937, which reenacts and amends certain provisions of Public No. 10, 73d Congress, as amended, for the purposes and within the limitations therein contained and not otherwise, does hereby execute and issue in duplicate this order under his hand and the official seal of the Department of Agriculture in the city of Washington, District of Columbia, on this 3d day of Sept., 1938, and declares this order to be effective on and after September 16, 1938.

M. L. WILSON, Acting Secretary of Agriculture.

[F. R. Doc. 38-2634; Filed, September 6, 1938; 11:50 a. m.]

# TITLE 10-ARMY WAR DEPARTMENT PART 13-ENLISTED MEN

FLYING CADETS

Sections 13.01 to 13.08, inclusive, are amended to read as follows:

SEC. 13.01 Eligibility.-(a) General.-Civilians are eligible for appointment as flying cadets. Candidates must be at time of application unmarried male citizens of the United States; between the ages of 20 and 26 years, inclusive; individuals who have satisfactorily completed at least one-half the credits required for a degree at a recognized college or university, or who can pass an examination covering such work; of excellent character; and of sound physique and in excellent health. No candidates will be appointed as flying cadets after they have reached their 27th birthday.

- (b) Candidates must agree to serve. Each applicant for appointment as a flying cadet will sign an agreement, with the consent of his parents or guardian, if a minor, by which he will agree-
- (1) To enlist for 3 years as a flying cadet of the Air Corps, with the understanding that upon completion of the course of instructions at the Air Corps Training Center, which normally requires 1 year, he will be discharged as a flying cadet.
- (2) To remain unmarried during the period of training as a flying cadet.
- (3) To serve 3 years as a second lieutenant, Air Corps Reserve, on active duty. unless sooner relieved by competent authority.
- (c) Applicants who have previously received flying training at a service school.-An applicant who has been eliminated from a service flying school due to application has been sent of any change applicant appearing before the board will

the course of instruction in a service flying school will not be appointed a name from the list of applicants. flying cadet.

(d) Marriage.-Any flying cadet who marries will be subject to immediate discharge from the service. (41 Stat. 109; sec. 1, 44 Stat. 780; 10 U. S. C. 297.) [AR 615-160, July 20, 1938.]

Sec. 13.02 Applications. - (a) Who may submit.-Any person fulfilling the general requirements prescribed in section 13.01 may apply for appointment as a flying cadet. The necessary blank forms may be obtained from any corps area commander, the commanding officer of any Air Corps station, or from The Adjutant General.

- (b) Manner of submitting.-An application will be in the form prescribed in paragraph (a), section 13.08. It will be accompanied by-
- (1) An affidavit in the form prescribed in paragraph (b), section 13.08. Applications and accompanying affidavits will be in triplicate.
- (2) Three letters of recommendation, signed by persons of recognized standing in the community in which the residence of the applicant is located.
- (3) A certificate from the registrar of the college attended, certifying to the subjects pursued and credits received by the applicant.
- (4) A letter of recommendation from the professor of military science and tactics in the case of applicants from colleges maintaining Reserve Officers' Training Corps units.
- (c) To whom and how forwarded .-Civilian applicants will forward their applications to the commanding general of the corps area in which they reside.
- (d) Action upon.-In the case of an approved application of a civilian applicant, the corps area commander will authorize the applicant to correspond directly with the president of the examining board nearest the residence of the applicant for the purpose of making arrangements for his examination. All approved applications will be transmitted by the corps area commander to the presidents of the examining boards before which the applicants are to be examined. In order that civilian candidates may not be put to unnecessary expense, corps area commanders will arrange for the examination of flying cadet candidates by the examining board nearest the home or place of residence of the candidate, regardless of the corps area in which the board is located. Upon completion of the examination, the papers in such cases will be returned by the examining board to the commanding general of the corps area in which the application originated.
- (e) Miscellaneous .- (1) Change of address of applicants.-Any civilian who has submitted an application for appointment as flying cadet will inform the corps area commander to whom his

this is sufficient cause for removal of his

(2) Expenses of applicants.-Applicants will be required to bear all expense incident to their appearance before a board for examination, and no claim for reimbursement for expenses incurred by them before their enlistment as flying cadets will be considered.

(3) Notification of ineligibility.-Applicants found ineligible will be so notifled by the authority authorized to act upon applications as soon as their ineligibility shall have been determined. (41 Stat. 109; sec. 1, 44 Stat. 780; 10 U. S. C. 297.) [AR 615-160, July 20, 1938.1

Sec. 13.03 Examination .- (a) Examining boards.-(1) Appointment.-When directed by The Adjutant General, upon recommendation of the Chief of the Air Corps, examining boards will be convened, upon orders issued by commanding officers authorized to appoint such boards, for the examination of applicants for appointment as flying cadets.

(2) Composition.—Examining boards will consist of three experienced officers of the Regular Army, including at least one Air Corps officer and as many others as practicable; and one medical officer (flight surgeon).

(3) Where convened .- Examining boards are convened regularly for the examination of applicants for appointment as flying cadets in the following

Boston Airport, East Boston, Mass. Mitchel Field, N. Y. Bolling Field, D. C. Langley Field, Va. Barksdale Field, La. Fort Bragg, N. C. Maxwell Field, Ala. Hq. Fourth Corps Area, Atlanta, Ga. Schoen Field, Fort Benjamin Harrison,

Wright Field, Dayton, Ohio. Chanute Field, Ill. Selfridge Field, Mich. Scott Field, Ill. Hq. Sixth Corps Area, Chicago, III. Fort Leavenworth, Kans. Fort Snelling, Minn. Air Corps Technical School, Denver Branch, Denver, Colo.

William Beaumont General Hospital, El Paso, Tex. Randolph Field, Tex.

Fort Sill, Okla. Hamilton Field, Calif. Fort Lewis, Wash. March Field, Calif. Moffett Field, Calif. Hawaiian Dept., Honolulu, T. H. Panama Canal Dept., Quarry Hts.,

Philippine Dept., Manila, P. I. In addition to the places listed above, special examining boards may be convened at other places as conditions warrant.

(b) Physical examination.—(1) Each

nation prescribed in Army Regulations.

(2) Should the applicant possess defects that clearly disqualify him physically and which cannot be corrected by simple treatment or by a minor operation, he will not be permitted to take the educational examination.

(3) If the disqualifying defects are such that they may be removed by simple treatment or by a minor operation, the applicant will be permitted to proceed with his educational examination, with the understanding that, should be qualify in the latter, he will not be eligible for appointment as a flying cadet unless and until the board shall find, upon subsequent report of physical examination by a qualified examiner (not necessarily a member of the board), that he is physically qualified for flying duty.

(c) Moral character and general fitness.-After the physical examination of the applicant has been completed, the board will proceed with an examination into and determination of his moral qualifications, adaptability, etc. These will be determined by means of oral questioning of the applicant, consideration of the letters of recommendation submitted by him, and by such further investigation as the board may consider necessary or desirable.

In this phase of the examination the candidate will be required to measure up to the standard prescribed for cadets of the United States Military Academy.

(d) Educational examination. - The board will next proceed with the educational examination of the applicant. This may be omitted if the applicant presents a certified document from the office of the registrar of a recognized college or university showing that he has satisfactorily completed one-half or more of the necessary credits leading to a degree which normally requires 4 years' work. The board will be the sole judge as to the sufficiency of the documentary evidence submitted. The scope of the educational examination will be prescribed by the Chief of the Air Corps, who will forward the necessary examination questions to the examining board prior to the date on which the examination is to be held. Educational examination papers will be graded by an agency designated by The Adjutant General on the recommendation of the Chief of the Air Corps. (41 Stat. 109; sec. 1, 44 Stat. 780; 10 U. S. C. 297.) [AR 615-160, July 20, 1938.]

SEC. 13.04 Appointment-(a) Precedence.-In case there are more qualified candidates than vacancies, appointments will be made from eligibles in accordance with a precedence established by the Chief of the Air Corps and approved by the War Department. This precedence will be published by the War Department from time to time.

(b) Civilians.-When, as a result of an examination as prescribed above, civilian applicants have been found

first be subjected to the physical exami- and vacancies in that grade exist, the | for me to take the prescribed educational names and addresses of the qualified candidates will be transmitted by the Chief of the Air Corps to The Adjutant General, who will authorize their enlistment as flying cadets and the issuance of orders directing travel of the flying cadets from place of enlistment to the school recommended by the Chief of the Air Corps for flying training. (41 Stat. 109; sec. 1, 44 Stat. 780; 10 U. S. C. 297.) [AR 615-160, July 20, 1938.]

Sec. 13.05 Training .- (a) The scope of training will be as prescribed in the approved program of instruction for the flying schools. The course covers a pe-

riod of 1 year.

(b) Insofar as practicable, fiving cadets will be segregated from other enlisted men in all activities, including housing, messing, and hospitalization. (41 Stat. 109; sec. 1, 44 Stat. 780; 10 U. S. C. 297.) [AR 615-160, July 20, 1938.1

Sec. 13.06 Appointment as second lieutenant, Air Corps Reserve .- Upon approval by the Secretary of War of a report recommending that a flying cadet be appointed a second lieutenant in the Air Corps Reserve, The Adjutant General will issue a letter of appointment, appointing him a second lieutenant in the Air Corps Reserve, and will transmit the letter with commission and form for oath of office to the commandant of the Air Corps Advanced Flying School. (41 Stat. 109; sec. 1, 44 Stat. 780; 10 U. S. C. 297.) [AR 615-160, July 20, 1938.1

Sec. 13.07 Appointment as Reserve officer to be accepted promptly.-The commandant of the Air Corps Advanced Flying School will caution flying cadets, upon successful completion of their instruction, that their acceptance of appointment as Reserve officers should be made promptly, for the reason that undue delay may result in cancellation of the appointment. (41 Stat. 109; sec. 1, 44 Stat. 780; 10 U. S. C. 297.) [AR 615-160, July 20, 1938.1

Sec. 13.08 Forms.—(a) Application for appointment as flying cadet.-Applications for appointment as flying cadet will be in the following form:

> (Place) (Date)

To: Commanding General, \_\_\_\_ Corps Area.

Request is hereby made that I be conaldered for appointment as a flying cadet in the Army Air Corps for heavier-than-air flying training. This application is submitted with a view to pursuing, as a flying cadet, the standard course of instruction prescribed by the War Department and, upon successful completion thereof, to being appointed a sec-ond lieutenant, Air Corps Reserve.

2. Three letters of recommendation are in-closed and affidavit executed on reverse side of this sheet. I understand that unless I can furnish documentary evidence of having satisfactorily completed at least one-half of the credits required for a degree at a recogqualified for enlistment as flying cadets nized college or university it will be necessary

examination

3. My mail and telegraph address is.....

(Signature of applicant)

inclosures.

(b) Affidavit to accompany application for appointment as flying cadet.—(1) Affidavit in the following form will accompany application for appointment as flying cadet STATE OF

County of

Personally appeared before me, the undersigned authority for administering oaths, one ....., who deposes and

unmarried during the period of training as a flying cadet, which normally requires I year. I have persons entirely dependent upon me for support and persons partially dependent upon me for support.

6. My education has been as follows:

7. My service has been as follows: \_\_\_

8. My business (or professional) experience has been as follows: \_\_

9. If I successfully complete the course of instruction as a flying cadet, I will accept a commission as second lieutenant, Afr Corps Reserve, if such a commission is tendered me, and I agree to serve for 3 years on active duty as auch unless sooner relieved by competent authority.

(I) or (We)

-- consent to this (Name of applicant) application.

(Signature)

(Signature)

(Signature)

10. If, at the time I become eligible for appointment as a flying cadet and available for assignment to a school for flying training, I shall have less than 2 years to serve in my then current enlistment, I will accept discharge therefrom and will immediately enlist in the Army for a period of 3 years, upon official notification that I am about to be appointed a flying cadet. appointed a flying cadet.

(Signature of applicant) Subscribed and sworn to in my presence this \_\_\_\_\_ day of \_\_\_\_\_

> (Signature of official adadministering oath)

(Official capacity in which oath administered "Notary Public," "Si mary Court," etc.) "Sum-

(2) In preparing an affidavit in the foregoing form-

(1) In items 1, 2, 3, 4, and 5 insert necessary data.

(ii) In item 6 name, in chronological order of attendance, institutions of learning attended, with dates of attendance and dates of graduation from each, stating which of these offered courses of military instruction. what such courses were, and which, if any,

of such courses were pursued.

(iii) In item 7 give essential data concerning all military service in the Army, Navy, Marine Corps, Coast Guard, National Guard, and Officers' Reserve Corps, or in the military service of a foreign country, including dates of enlistment, dates of discharge, character given on discharge, noncommissioned grades held, dates, grades, etc.

(iv) In item 8 state, in chronological order of events, business or professional experience, with names of employers and places of em-

(v) In item 9 signature of parents or guar-dian necessary only in case of applicant under

21 years of age.

(vi) In the case of candidates from civil life, item 10 will be stricken out.

(vii) Candidates will sign both application and affidavit.

(41 Stat. 109; sec. 1, 44 Stat. 780; 10 U. S. C. 297.) [AR 615-160, July 20, 1938.1

[SEAL]

E. S. ADAMS, Major General, The Adiutant General.

[F. R. Doc. 38-2619; Filed, September 3, 1938; 9:45 a. m.]

## TITLE 16-COMPETITIVE PRACTICES FEDERAL TRADE COMMISSION

1 Docket No. 33761

IN THE MATTER OF MALL TOOL COMPANY

Sec. 3.6 (t). Advertising falsely or misleadingly-Qualities or properties of product: Sec. 3.66 (h) Misbranding or mislabeling-Qualities or properties.-Representing engines or motors, installed as part of respondent's concrete vibrators and made by others, as having different horsepower than rating given by makers, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) I Cease and desist order, Mall Tool Company, Docket 3376, August 25, 1938.]

Sec. 3.6 (a) (22). Advertising falsely or misleadingly-Business status, advantages or connections of advertiser-Producer status of dealer-Manufacturer: SEC. 3.66 (g) Misbranding or mislabeling-Producer status of dealer.-Representing engines or motors purchased from others, and installed as part of respondent's concrete vibrators, as made by it, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) [Cease and desist order, Mall Tool Company, Docket 3376, August 25, 1938.]

United States of America-Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of August, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

IN THE MATTER OF MALL TOOL COMPANY, A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, and a stipulation IV, sec. 45b.) [Cease and desist order, mission a report in writing, setting forth

of commission, and dates of resignation or as to the facts duly approved by the Goodyear Associates, Docket 3475, Audischarge, with reasons for resignation or Commission and made a part of the rest. Commission and made a part of the record in this case, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

> It is ordered. That the respondent, Mall Tool Company, a corporation, its officers, representatives, agents and employees, in connection with the offering for sale, sale and distribution of its concrete vibrators or engines and motors for same in interstate commerce or in the District of Columbia, do cease and desist, either directly or by any corporate or other device, from representing or implying:

> 1. That engines or motors made by others than respondent have a different horsepower than the rating given such engines or motors by the makers thereof;

2. That engines or motors purchased from others are made or manufactured by the respondent.

It is further ordered. That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON. Secretary.

[F. R. Doc. 38-2620; Filed, September 3, 1938; 10:09 a. m.]

[Docket No. 3475]

IN THE MATTER OF GOODYEAR ASSOCIATES

SEC. 3.99 (b). Using or selling lottery devices - In merchandising .- Offering, etc. to purchasers, storm jackets and numerous other articles of merchandise, with lottery sales plan, etc., as specified, by which said merchandise is to be, or may be, resold to purchasing public, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) [Cease and desist order, Goodyear Associates, Docket 3475, August 25, 1938.]

SEC. 3.99 (b). Using or selling lottery devices-In merchandising.-Advertising in any way sale of storm jackets and numerous other articles of merchandise under any lottery plan, etc., as specified, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) [Cease and desist order, Goodyear Associates, Docket 3475, August 25, 1938.]

Sec. 3.99 (b). Using or selling lottery devices-In merchandising.-Aiding and inducing purchsers of storm jackets and numerous other articles of merchandise to dispose of same by means of any lottery scheme, etc., as specified, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp.

gust 25, 1938.1

United States of America-Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of August, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer,

IN THE MATTER OF LEOPOLD SPIELDOCK AND SAMUEL FINEBERG, INDIVIDUALLY, AND TRADING AS GOODYEAR ASSOCIATES

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Leopold Spieldock and Samuel Fineberg. individually, and trading as Goodyear Associates, or trading under any other name, their agents, representatives and employees, in connection with the offering for sale, sale and distribution of storm jackets, zipper jackets, bed comforters, blankets, bed spreads, steamer rugs, table covers, sheets, pillow cases, umbrellas, overnight cases, electric irons, coffee makers, carving sets, electric toasters, cutlery sets, men's shirts, electric waffle irons, linen dinner sets, and electric clocks or any other articles of merchandise in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) Offering for sale and selling said merchandise to purchasers together with a sales plan or method involving the use of a lottery scheme, gift enterprise or game of chance, by which said merchandise or other articles of merchandise are to be, or may be, resold to the purchasing public.

(2) Advertising by means of printed cards, circulars, letters, or by any other means, the sale of such merchandise under any plan involving the use of a lottery scheme, gift enterprise, or game of chance.

(3) Aiding and inducing the purchasers of such merchandise to dispose of same by means of any lottery scheme, gift enterprise or game of chance.

It is further ordered, That the respondents, and each of them, shall within sixty (60) days after service upon them of this order, file with the Comin detail the manner and form in which | sons in a country other than the United | they have complied with this order,

By the Commission.

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38–2621; Filed, September 3, 1938; 10:10 a. m.]

## TITLE 22-FOREIGN RELATIONS DEPARTMENT OF STATE

RULES AND REGULATIONS GOVERNING THE REGISTRATION OF AGENTS OF FOREIGN PRINCIPALS UNDER THE ACT OF CON-GRESS APPROVED JUNE 8, 1938 (PUBLIC No. 583-75TH CONGRESS)

Pursuant to the Act approved June 8, 1938 (Public No. 583-75th Congress, Third Session), entitled "An Act To require the registration of certain persons employed by agencies to disseminate propaganda in the United States and for other purposes" which reads as follows:

In the original document here follows the text of the above mentioned Act.]

the Secretary of State hereby prescribes the following rules, regulations, and forms, subject to rescission, modification or amendment as the Secretary of State may from time to time hereafter prescribe:

### DEFINITIONS

As used in these rules, regulations and forms, unless the context otherwise re-

(1) The term person means an individual, partnership, association, or corporation

(2) The term Secretary means the Secretary of State of the United States.

(3) The term Act means the Act approved June 8, 1938 (Public No. 583-75th Congress, Third Session), entitled "AN ACT To require the registration of certain persons employed by agencies to disseminate propaganda in the United States and for other purposes."

(4) The term section means a section of the Act.

(5) The term rules and regulations means all rules, regulations, and forms prescribed by the Secretary.

(6) The term government of a foreign country means any group of persons exercising sovereign political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of such group and any group or agency to which authority or functions are directly or indirectly delegated or permitted. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority, whether such faction or body of insurgents has or has not been recognized by the United States.

(7) The term political party of a for-

States, having for an aim the establishment or the administration of a government or of a governmental system.

(8) The term person domiciled abroad means a person who has outside the United States a permanent home or principal establishment.

(9) The term foreign business means any entity organized or set up under a jurisdiction of a country other than the United States and having its principal place of business outside the United States, for the purpose of livelihood or profit

(10) The term foreign partnership means an association of two or more persons formed outside the United States to engage jointly in any occupation or undertaking.

(11) The term foreign association means an unincorporated entity or group of persons formed outside the United States and acting for a common purpose.

(12) The term foreign corporation means a legal entity created by or under the laws of a country other than the United States.

(13) The term foreign political organization means a group of persons organized and existing outside the United States which is engaged in political ac-

(14) The term public relations counsel means any person who directly or indirectly informs, advises, or in any other way represents a principal in any matters pertaining to public relations, public policy or political interests.

(15) The term publicity agent means any person who is directly or indirectly engaged in the placing or disseminating within the United States of oral, written, or pictorial information or matter of any kind for publication in any manner, including publication through advertising, books, periodicals, newspapers, lectures, broadcasts, moving picture showings, or otherwise: Provided, however, That this term shall not be held to apply to any person by reason of his being engaged in the dissemination of material, information, or ideas in furtherance of bona fide religious, scholastic, academic, or scientific activities or of the fine arts.

(16) The term duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State of the United States shall include any representative of a foreign government who functions as a diplomatic or consular officer in the United States and whose diplomatic or consular status is of record in the Department of State of the United States.

(17) The term private activities in furtherance of bona fide trade or commerce means activities ordinarily and customarily performed by persons for private livelihood or profit, as distinguished from activities of a political or other character, whether or not in the eign country means any group of per- guise of trade or commerce.

(18) The term non-political activities in furtherance of bona side trade or commerce means such activities as are religious, educational, professional, scientific, or related to the fine arts, which do not in any essential respect relate to the conduct of a government.

(19) The term financial activities in furtherance of bona fide trade or commerce means activities in which exchange of money or its equivalent is involved through the normal channels of finance, and includes the normal incidents of such transactions.

(20) The term mercantile activities in furtherance of bona fide trade or commerce means activities directly concerned with the business of procuring. buying, selling, merchandising, warehousing, forwarding, transporting or processing goods, products or property of any kind.

(21) The term other activities in furtherance of bona fide trade or commerce as used in sub-section (d) of the first section of the Act, means services rendered in connection with private activities, non-political activities, financial activities or mercantile activities as herein defined.

(22) The term furtherance of bona fide trade or commerce means engaging in good faith in the lawful exchange of goods, products, services or property of any kind, or in any business, occupation or employment. Such term shall not include any political activities.

(23) The term registration statement means the statement submitted to the Secretary for filing pursuant to the terms of the Act, and includes all documents and papers supplementary

(24) The term registrant means the person named in the registration statement and in whose behalf the registration statement is submitted to the Secretary for filing.

The Act requires the registration of any person who acts or engages to act or agrees to act as:

> public relations counsel. publicity agent, agent servant, representative, or attorney

the government of a foreign country,

- a political party of a foreign countrv.
- a person domiciled abroad,
- a foreign business,
- a foreign partnership.
- a foreign association,
- a foreign corporation. a foreign political organization, or any domestic organization subsi-

dized directly or indirectly in

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whole or in part by any of the!

The only persons within these categories excepted from the requirement to register are persons other than a public relations counsel or publicity agent, performing:

> private activities in furtherance of bona fide trade or commerce,

> non-political activities in furtherance of bona fide trade or com-

> financial activities in furtherance of bona fide trade or commerce,

> mercantile activities in furtherance of bona fide trade or commerce, or other activities in furtherance of bona fide trade or commerce.

or persons who function in the United States as diplomatic or consular officers and whose diplomatic or consular status is of record in the Department of State.

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### REGULATIONS UNDER SECTION 2 OF THE ACT

1. Every person required to register under the terms of Section 2 of the Act and under the rules and regulations issued pursuant to the Act, shall submit to the Secretary a registration statement on a form similar to that printed below. Registration statements must be signed and sworn to before a notary public or other person authorized by law to administer oaths for general purposes before they are transmitted to the Secretary of State. Blank forms will be furnished by the Secretary upon request.

Registration No. \_\_\_\_ Date of Registration: \_\_\_\_ (Not to be filled in by registrant)

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

REGISTRATION STATEMENT

For persons required to register with the Secretary of State pursuant to Section 2 of the Act, Public No. 583-75th Congress, Third Session, approved on June 8, 1938

(Note: All spaces must be filled in)

- (1) Name of registrant: \_\_\_
- (2) Status of registrant (individual, partnership, association or corporation):--(3) Principal business address:-----
- (4) Other places of business in the United States or elsewhere:
- (5) Residence address, or addresses, if more than one: \_.
- (6) If registrant is a partnership, names and addresses of partners; if a corporation or association, names and addresses of officers
- (7) Name of foreign principal, or principals, if more than one, for which registrant is acting as agent: \_\_\_\_\_
- Address, or addresses, if more than one, of foreign principal: \_\_\_\_\_
- (9) Nationality of foreign principal, or principals, if more than one: \_\_\_\_\_

- (11) Nature of business of foreign principal, or principals: \_\_\_\_
- (12) Identification of all contracts of employment or other documents submitted herewith to indicate in complete detail the nature of the employment of registrant, and the terms and conditions thereof:
- (13) (a) Dates of contracts under which registrant is employed: \_\_\_\_\_
- (b) Dates of commencement of activity thereunder: \_\_\_
- (c) Périods of duration of contracts of employment. (If not known definitely, ap-proximations may be made):
- (14) Compensation to be paid registrant, and form and time of payment, under contracts or terms of employment:
- (15) Names of all foreign principals, or other persons or organizations which have contributed, or promised to contribute, to compensation referred to in paragraph (14)
- (16) If registrant is a partnership, association, or corporation, identify documents and instruments, whether charter, articles of incorporation, copartnership, or associa-tion; constitution; bylaws; or other docu-ments or instruments relating to registrant's organization, powers, and purposes, sub-mitted herewith in compliance with the Act:
- (a) Nationality of registrant: (b) If American born, date and place of birth: \_.
- (c) If naturalized, date and place of naturalization:
- (d) If alien, indicate type of travel document and nature of entry into the United States (whether for business or pleasure, temporary or permanent, etc.), including date, port of entry, type and date of visa, country of origin, country from which entry was made, etc.:
  - (18) Official designation of registrant;
- (19) Date of execution of Registration Statement:

The undersigned swears (affirms) that he has read the Act, Public No. 583—75th Congress, Third Session, approved on June 8, 1938, and the rules and regulations issued pursuant thereto; that he is familiar with the contents of this Registration Statement submitted pursuant to such Act, rules and regulations, and with the contents of the documents supplementary thereto which are incorporated therein and constitute a part thereof, and that the facts therein set forth are true to the best of his knowledge, information and belief. The undersigned swears (affirms) that he mation and belief.

(Signature of registrant)

(If registrant is a partnership, association or corporation, the signature shall be that of its duly authorized representative.)

(Type or print name beneath) Signed and sealed in my presence this day of \_\_\_\_\_\_, 19\_\_\_

(Title)

My commission expires:

2. Registration statements should be in English. If in a foreign language, they must be accompanied by an English translation, certified under oath by the

(10) Comprehensive statement of nature other person authorized by law to adorf business of registrant: minister oaths for general purposes, as a true and accurate translation. statements, with the exception of signature, should be typewritten, but will be accepted if written legibly in ink.

3. All spaces in the registration statement form must be properly filled in. Registration statements found not to be in proper form, or lacking in essential details, will not be accepted by the Secretary for filing, and such registration statements shall not be deemed to have been filed in compliance with the Act.

- 4. Where space in the registration statement form does not permit full answers to questions, the information required may be set forth in supplementary papers incorporated by reference in the registration statement and submitted therewith. Supplementary documents and papers must be referred to in the principal statement in chronological or other appropriate order and be described in such manner that they can be easily identified.
- 5. Acceptance by the Secretary of a registration statement submitted for filing shall not necessarily signify a full compliance with the Act on the part of the registrant, and such acceptance shall not preclude prosecution as provided for in the Act for a false statement of a material fact, or the willful omission of a material fact required to be stated therein.
- 6. The date on which a registration statement is accepted by the Secretary for filing shall be considered the date of the filing of such registration statement pursuant to the Act.
- 7. Papers and documents already filed with the Secretary pursuant to the Act may be incorporated by reference in any registration statement subsequently submitted to the Secretary for filing, provided such papers and documents are adequately identified in the registration statement in which they are incorporated by reference.
- 8. The filing of a registration statement by a partnership, association or corporation shall not preclude the necessity of the filing of a similar registration statement as required under the Act, by such individual members, employees, associates and affiliates of such registrant, as are required to register under the Act.
- 9. Every registration statement executed and submitted to the Secretary by or on behalf of a partnership, association, or corporation, shall contain or be accompanied by a concise statement of the applicable provisions of the partnership agreement, articles of incorporation, bylaws or similar documents, indicating the right of the person who signs and submits the registration statement for filing to take such action on behalf of the partnership, association, or corporation, and a statement under oath that all such requirements have been translator, before a notary public or complied with and that the person sign-

ing and submitting the registration statement is fully authorized to do so.

10. A separate registration statement, under the Act, must be filed with the Secretary by each person required to register.

11. The Secretary should be notified promptly upon the cessation of the agency or activity by virtue of which a registrant has been required to file a registration statement pursuant to the Act.

### IV

### REGULATIONS UNDER SECTION 3 OF THE ACT

1. Every person required to submit statements to the Secretary for filing in compliance with the terms of Section 3 of the Act and under the rules and regulations issued pursuant to the Act shall submit such statements under oath on a form similar to that printed below, Blank forms will be furnished by the Secretary upon request.

2. The rules and regulations set forth under III hereof, with respect to registration statements submitted to the Secretary under Section 2 of the Act, shall apply with equal force and effect to statements required to be submitted to the Secretary for filing under Section 3

of the Act.

Registration No. \_\_\_ Date of Registration: \_\_\_\_ (Not to be filled in by registrant)

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

SUPPLEMENTAL REGISTRATION STATEMENT

For persons required to submit statements to the Secretary of State for filing in compliance with Section 3 of the Act. Public No. 563—75th Congress, Third Session, appropried on here 2012

(Note.—Except in paragraph (1), if answers would be exactly the same as answers made to similar questions in a previous statement filed with the Secretary under the Act of June 8, 1938, the word same may be written in the appropriate spaces below with an indication of the number and date of the previous statement filed. All spaces must be filled in.)

- (1) Name of registrant: \_..
- (2) Status of registrant (individual, part-nership, association or corporation): (3) Principal business address:

- (4) Other places of business in the United States or elsewhere: -----
- (5) Residence address, or addresses, if more than one: -----
- (6) If registrant is a partnership, names and addresses of partners; if a corporation or association, names and addresses of officers thereof: \_\_
- Name of foreign principal, or princi-if more than one, for which registrant is acting as agent: \_\_\_\_\_
- Address, or addresses, if more than one, of foreign principal:\_\_\_\_
- (9) Nationality of foreign principal, or principals, if more than one:
- (10) Comprehensive statement of nature of business of registrant:

- (11) Nature of business of foreign prin- | excepting Saturday, and from 9 a. m. to cipal, or principals:\_\_
- (12) Identification of all contracts of employment or other documents submitted herewith to indicate in complete detail the nature of the employment of registrant, and the terms and conditions thereof
- (13) (a) Dates of contracts under which registrant is employed: \_\_\_\_
- (b) Dates of commencement of activity thereunder: ...
- (c) Periods of duration of contracts of employment. (If not known definitely, ap-proximations may be made):
- (14) Compensation to be paid registrant, and form and time of payment, under contracts or terms of employment:
- (15) Amount and form of compensation received by registrant during period of six months immediately succeeding last statement filed with the Secretary pursuant to the
- (16) If registrant is a partnership, associa-tion, or corporation, identify documents and instruments, whether charter, articles of in-corporation, copartnership, or association; constitution; bylaws; or other documents or instruments relating to registrant's organiza-tion, powers, and purposes, submitted here-with in compliance with the Act:
- (17) (a) Nationality of registrant: (b) If American born, date and place of birth:
- (c) If naturalized, date and place of naturalization:
- (d) If alien, indicate type of travel docu-ment and nature of entry into the United States (whether for business or pleasure, temporary or permanent, etc.), including date, port of entry, type and date of visa, country of origin, country from which entry was made, etc. was made, etc.:
  - (18) Official designation of registrant: \_\_\_
- (19) Date of execution of Registration Statement:

The undersigned swears (affirms) that he has read the Act, Public No. 583—75th Congress, Third Session, approved on June 8, 1938, and the rules and regulations issued pursuant thereto; that he is familiar with the contents of this Supplemental Registrathe contents of this supplemental Registra-tion Statement submitted pursuant to such Act, rules and regulations, and with the contents of the documents supplementary thereto which are incorporated therein and constitute a part thereof, and that the facts therein set forth are true to the best of his knowledge, information and bellef.

(Signature of registrant)
(If registrant is a partnership, association or corporation, the signature shall be that of its duly authorized representative.)

(Type or print name beneath) Signed and sealed in my presence this ---- day of ----- 19\_-.

(Title)

My commission expires:

V

# INSPECTION OF REGISTRATION STATEMENTS

1. Registration statements filed with the Secretary pursuant to the Act will be available for public inspection in the Department of State, Washington, D. C., during all business hours, i. e. from 9 a. m. to 4:30 p. m. on each business day

1 p. m. on Saturdays.

[SEAL]

CORDELL HULL. Secretary of State.

[F. R. Doc. 38–2639; Filed, September 6, 1938; 12:23 p. m.]

# TITLE 26-INTERNAL REVENUE BUREAU OF INTERNAL REVENUE

IT. D. 48591

TAX RETURNS UNDER CARRIERS TAXING ACT OF 1937

To Collectors of Internal Revenue and Others Concerned:

Article 501 (a) of Regulations 100, approved October 12, 1937, relating to the employers' tax, employees' tax and employee representatives' tax under the Carriers Taxing Act of 1937, is amended to read as follows:

Initial and quarterly returns of tax .-(a) General.-For the period beginning January 1, 1937, and ending September 30, 1937, and for each subsequent period of three calendar months ending December 31, March 31, June 30, and September 30, each employer shall prepare a return of tax, in triplicate, on Form CT-1 and each employee representative shall prepare a return of tax, in trip-licate, on Form CT-2. Each employer and employee representative is required to file his own return. Consolidated returns of parent and subsidiary corporations are not permitted.

This Treasury Decision is prescribed pursuant to the provisions of section 1102 (a) of the Revenue Act of 1926 and section 12 of the Carriers Taxing Act of 1937.

[SEAT.]

MILTON E. CARTER, Acting Commissioner of Internal Revenue.

Approved, September 1, 1938. ROSWELL MAGILL. Acting Secretary of the Treasury.

[F. R. Doc. 38–2623; Filed, September 3, 1938; 11:15 a. m.j

### TITLE 49-TRANSPORTATION AND RAILROADS

INTERSTATE COMMERCE COMMIS-SION

[Form BMC-41]

ORDER IN THE MATTER OF APPLICATIONS UNDER MOTOR CARRIER ACT, 1935, OTHER THAN UNDER SECTIONS 210 A (B) AND 213 THEREOF, FOR SUBSTITUTION OF PROS-PECTIVE PURCHASERS OR TO TRANSFER CERTIFICATES, PERMITS, OR CERTAIN STATE OPERATING RIGHTS

At a session of the Interstate Commerce Commission, Division 5, held at its

<sup>12</sup> F. R. 2204 (2563 DI).

office in Washington, D. C., on the 1st day of July A D 1938.

The matter of applications under sections 206, 209, or 212 (b), Motor Carrier Act, 1935, for substitution of prospective purchasers in lieu of applicants or to transfer certificates of public convenience and necessity, or permits, being under consideration and good cause appearing:

It is ordered, That applications under sections 206, 209, or 212 (b), Motor Carrier Act, 1935, for substitution of prospective purchasers in lieu of applicants or to transfer certificates of public convenience and necessity, or permits, shall be in the form of and contain the information called for in the form of application designated Form 1 BMC-41, attached hereto and made a part hereof.

It is further ordered, That orders of April 28, 1936, relating to Forms BMC-26 and 27, be, and they are hereby, vacated and set aside.

It is further ordered, That verified original applications and two copies thereof shall be filed with this Commission, and that one copy each shall be delivered, in person or by registered mail, to the Director or Directors of the District or Districts of the Bureau of Motor Carriers in which headquarters of each of the applicants is located, and to the Board, Commission, or official having authority to regulate the business of transportation by motor vehicle in each State in which each of the applicants operates (or to the Governor where there is no Board, Commission, or official)

And it is further ordered, That this order shall become effective on the 1st day of September, A. D. 1938.

By the Commission, Division 5. W. P. BARTEL. Secretary.

[F. R. Doc. 38–2629; Filed, September 3, 1938; 12:26 p. m]

## [Form BMC-42]

ORDER IN THE MATTER OF APPLICATIONS UNDER MOTOR CARRIER ACT, 1935, OTHER THAN UNDER SECTIONS 210 A (B) AND 213 THEREOF, TO CONTRACT TO OPERATE OR TO LEASE OPERATING RIGHTS, CERTIFI-CATES, OR PERMITS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 1st day of July, A. D. 1938.

The matter of applications under sections 206, 209, and 212 (b), Motor Carrier Act. 1935, to contract to operate or to lease operating rights, certificates of public convenience and necessity, or permits, being under consideration and good cause appearing:

sections 206, 209, and 212 (b), Motor Carrier Act, 1935, to contract to operate or to lease operating rights, certificates of public convenience and necessity, or permits, shall be in the form of and contain the information called for in the form of application designated Form BMC-42, attached hereto and made a part hereof.

It is further ordered, That verified original applications and two copies thereof shall be filed with this Commission, and that one copy each shall be delivered, in person or by registered mail, to the Director or Directors of the District or Districts of the Bureau of Motor Carriers in which headquarters of each of the applicants is located, and to the Board, Commission, or official having authority to regulate the business of transportation by motor vehicle in each State in which each of the applicants operates (or to the Governor where there is no Board, Commission, or official).

And it is further ordered. That this order shall become effective on the 1st day of September, A. D. 1938.

By the Commission, Division 5. [SEAL] W. P. BARTEL. Secretary.

[F. R. Doc. 38–2627; Filed, September 3, 1938; 12:25 p. m.]

### [Form BMC-43]

ORDER IN THE MATTER OF NOTIFICATION OF TRANSFER OF OPERATING RIGHTS PUR-SUANT TO RULE 7 (A) OF RULES AND REG-ULATIONS 1 UNDER MOTOR CARRIER ACT, 1935, Other Than Sections 210a (B) AND 213 THEREOF, GOVERNING TRANSFERS OF RIGHTS TO OPERATE AS A MOTOR CAR-RIER IN INTERSTATE OR FOREIGN COM-

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 1st day of July A. D. 1938.

The matter of notification of transfer of operating rights pursuant to rule 7 (a) of the Rules and Regulations Under Motor Carrier Act, 1935, other than sections 210a (b) and 213 thereof, governing transfers of rights to operate as a motor carrier in interstate or foreign commerce, in connection with section 206, Motor Carrier Act, 1935, being under consideration and good cause appearing:

It is ordered. That notification under said rule 7 (a) shall be in the form of and contain the information called for in the form of notification designated Form ' BMC-43, attached hereto and made a part hereof.

It is further ordered, That verified original notification and two copies thereof shall be filed with this Commission, and that one copy each shall be delivered, in person or by registered mail, to the Director or Directors of the District or Districts of the Bureau of Motor

It is ordered. That applications under | Carriers in which headquarters of each of the afflants is located, and to the Board, Commission, or official having authority to regulate the business of transportation by motor vehicle in the State in which affiants operate (or to the Governor where there is no Board, Commission, or official)

And it is further ordered. That this order shall become effective on the 1st day of September A. D. 1938.

By the Commission, Division 5. W. P. BARTEL. [SEAL] Secretary.

[F. R. Doc. 38-2628; Filed, September 3, 1938; 12:25 p. m.)

## Notices

### DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administra-

DETERMINATION OF THE SECRETARY OF AGRICULTURE APPROVED BY THE PRESI-DENT OF THE UNITED STATES WITH RE-SPECT TO A PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE TOLEDO. OHIO. MARKETING AREA

Whereas, the Secretary of Agriculture, pursuant to the terms and provisions of Public Act, No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of milk in the Toledo, Ohio, marketing area would tend to effectuate the declared policy of said act, gave, on the 28th day of April, 1938, notice of a hearing to be held on the 10th day of May, 1938, at Toledo, Ohio, on a proposed marketing agreement and a proposed order, said hearing being reopened at Toledo, Ohio, on the 1st and 15th days of June 1938, for the purpose of receiving additional evidence, and at said times and places conducted public hearings at which all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and the proposed order; and

Whereas, after said hearings and after the tentative approval of a marketing agreement by the Secretary on July 30, 1938, handlers of more than fifty (50) percentum of the volume of milk covered by such proposed order, which is marketed within the Toledo, Ohio, marketing area, refused or failed to sign such tentatively approved marketing agreement:

Now, therefore, the Secretary of Agriculture, pursuant to the power and authority vested in him by said Act, hereby determines:

(1) That the refusal or failure of said handlers to sign said tentatively ap-

<sup>&</sup>lt;sup>1</sup> The rules and regulations and forms were a part of the original document filed with the Division of the Federal Register, The National Archives; requests for copies should be ad-dressed to the Interstate Commerce Commis-

<sup>13</sup> F. R. 984 DI.

proved marketing agreement tends to prevent the effectuation of the declared policy of the act:

(2) That the issuance of the proposed order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk which is To George I. Myers, doing business as To H. M. Garber, doing business as Garmarketed in said area; and

(3) That the issuance of the proposed order is approved or favored by over two-thirds of the producers who, during the month of May, 1938, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area, and who participated in a referendum conducted by the Secretary on August 6, 1938.

In witness whereof, Secretary of Agriculture, has executed this determination in duplicate, and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto, in the city of Washington, District of Columbia, this 2nd day of September, 1938.

[SEAL] M. L. WILSON, Acting Secretary of Agriculture.

FRANKLIN D ROOSEVELT President of the United States Date Sept. 2, 1938.

[F. R. Doc. 38–2633; Filed, September 6, 1938; 11:50 a. m.]

Bureau of Animal Industry.

[Form PS 1-a (Revised)]

NOTICE UNDER PACKERS AND STOCKYARDS ACT

SEPTEMBER 3, 1938.

To Mrs. R. L. Moore and Mr. Ed McCord, doing business as Moore & McCord Commission Company, stockyard owner, at Tupelo, State of Missis-

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U, S. C. Sec. 202 (b)), it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Moore & McCord Stockyards,1 at Tupelo, State of Mississippl, is subject to the provisions of said

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U. S. C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] M. L. WILSON, Acting Secretary of Agriculture.

[F. R. Doc. 38–2638; Filed, September 6, 1938; 11:52 a. m.]

(Form PS-1-el

SEPTEMBER 3, 1938.

Northwestern Live Stock Commission Company, Stockyard owner, at York, State of Nebraska.

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as

(a) When used in this, title the term (a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for relating the property in commerce. This title sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

And, whereas the Northwestern Live Stock Commission Company Stockyards, at York, Nebraska, was posted on the 18th day of March, 1932, as coming within the foregoing definition:

And, whereas after an inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the area now operated as a public stockyard by the Northwestern Live Stock Commission Company is less than the minimum specified in the Packers and Stockyards Act and is, therefore, no longer required to be designated and posted under said

Now, therefore, notice is hereby given that the Northwestern Live Stock Commission Company Stockyards, York, Nebraska, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] M. L. WILSON, Acting Secretary of Agriculture.

[P. R. Doc. 38-2635; Piled, September 6, 1938; 11:51 a. m.]

[Form PS-1-e]

NOTICE UNDER PACKERS AND STOCKYARDS NOTICE UNDER PACKERS AND STOCKYARDS

SEPTEMBER 3, 1938.

ber Livestock Commission Company, Stockyard owner, at Julesburg, State of Colorado.

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling live-stock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stock-yard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

And, whereas the Julesburg Livestock Auction Company 1 at Julesburg, Colorado, was posted on the 12th day of August, 1937, as coming within the foregoing definition;

And, whereas after an inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the area formerly operated by H. M. Garber, doing business as Julesburg Livestock Auction Company, now operated as a public stockyard by the Garber Livestock Commission Company, is less than the minimum specified in the Packers and Stockyards Act and is, therefore, no longer required to be designated and posted under said Act:

Now, therefore, notice is hereby given that the Julesburg Livestock Auction Company no longer comes within the foregoing definition and the provisions of Title III of said Act.

M. L. WILSON. Acting Secretary of Agriculture.

[F. R. Doc. 38-2636; Filed, September 6, 1938; 11:51 a.m.]

<sup>(</sup>Modifies list posted stockyards 9 CFR 13.034.)

[Form PS-1-0]

NOTICE UNDER PACKERS AND STOCKYARDS
ACT

**SEPTEMBER 3, 1938.** 

To C. D. McFetridge, doing business as South Greeley Sales Yards, Stockyard owner, at Greeley, State of Colorado.

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stock-yard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.
(b) The Secretary shall from time to time

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the Stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

And, whereas the South Greeley Sales Yards, at Greeley, Colorado, was posted 'on the 5th day of November, 1937, as coming within the foregoing definition;

And, whereas after an inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the area now operated as a public stockyard by the South Greeley Sales Yards is less than the minimum specified in the Packers and Stockyards Act and is, therefore, no longer required to be designated and posted under said Act:

Now, therefore, notice is hereby given that the South Greeley Sales Yards, Greeley, Colorado, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] M. L. WILSON,
Acting Secretary of Agriculture.

[F. R. Doc. 38-2637; Filed, September 6, 1938; 11:51 a. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 282]
ALLOCATION OF FUNDS FOR LOANS

**SEPTEMBER 1, 1938.** 

By virtue of the authority vested in me by the provisions of Section 3 (e) and 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums made available during the fiscal year ending June 30, 1938 and not loaned or obligated during the said fiscal year, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Georgia 8065B1 Irwin	\$107,000
Iowa 8015A2 Harrison	45,000
Kansas 8013C1 Brown	143,000
Ohio 8042B1 Darke	239,000
Oregon 8002Bl Lane	10,000
Tennessee 8022B1 Gibson	25,000
Washington 8009B1 San Juan	15,000
Washington 8018C1 Spokane	310,000
Wisconsin 8051A1 St. Croix	186,000
Wyoming 8006Cl Goshen	25,000

JOHN M. CARMODY, Administrator.

[F. R. Doc. 38–2630; Filed, September 6, 1938; 9:58 a. m.]

[Administrative Order No. 283]
ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 1, 1938.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Alabama 9025A1 Bullock	\$337,000
Kansas 9015C1 Dickinson	386,000
Minnesota 9003A3 Meeker	35,000
Texas 9074A2 Baylor	6,000

JOHN M. CARMODY, Administrator.

[F. R. Doc. 38–2631; Filed, September 6, 1938; 9:59 a. m.]

[Administrative Order No. 284] ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 1, 1938.

By virtue of the authority vested in me by the provisions of Sections 3 (e) and 5 of the Rural Electrification Act of 1936, I hereby allocate, from the sums made available during the fiscal year ending June 30, 1938 and not loaned or obligated during the said fiscal year, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Florida 8016W1 Sumter Louisiana 8007W1 Gran Nevada 8004W1 Clark	

 Project designation
 Amount

 Oklahoma 8006W2 Caddo
 7,000

 Wisconsin 8047W1 Jackson
 10,000

JOHN M. CARMODY, Administrator,

[F. R. Doc. 38–2632; Filed, September 6, 1938, 9:59 a. m.]

## SECURITIES AND EXCHANGE COM-MISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 2nd day of September, A. D. 1938.

[File No. 60-1]

IN THE MATTER OF UTILITIES EMPLOYERS SECURITIES COMPANY, AND NEW ENGLAND CAPITAL CORPORATION

NOTICE OF AND ORDER FOR HEARING

The Commission having reasonable cause to believe that Utilities Employees Securities Company, whose address is 26 Journal Square, Jersey City, New Jersey, and New England Capital Corporation, whose address is 719 Massachusetts Avenue, Cambridge, Massachusetts, and each of such companies, stand in such relation to

Associated Gas and Electric Company, Associated Gas and Electric Corporation, Associated Utilities Corporation, New England Gas & Electric Association, General Gas & Electric Corporation, and Transfer and Paying Agency.

And each of such companies that there is liable to be such an absence of arm's length bargaining in transactions between them as to make it necessary or appropriate in the public interest and for the protection of investors and consumers that Utilities Employees Securities Company and New England Capital Corporation be subject to the obligations, duties, and liabilities imposed upon affiliates of a company by the Public Utility Holding Company Act of 1935.

It is ordered, Pursuant to section 2 (a) (11) (D) of said Act that a hearing be held to determine whether such relation exists, and if such relation is found to exist, to declare Utilities Employees Securities Company and New England Capital Corporation to be affiliates of the other above-named companies and each of them.

It is further ordered, That such hearing be held on September 15, 1938 at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Edward C. Johnson or any other officer or officers

<sup>1(</sup>Modifies list posted stockyards 9 CFR 13.034.)

of the Commission designated by it for | why such declaration shall become effecthat purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to Utilities Employees Securities Company and New England Capital Corporation and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 9, 1938,

By the Commission.

[SEAL]

10

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-2624; Filed, September 3, 1938; 11:52 a. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of September, A. D. 1938.

[File No. 31-419]

IN THE MATTER OF UTILITIES EMPLOYEES SECURITIES COMPANY AND NEW ENGLAND CAPITAL CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the abovenamed parties;

It is ordered. That a hearing on such matter be held on September 15, 1938, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D C. On such day the hearingroom clerk in Room 1102 will advise as to the room where such hearing will be any declaration, cause shall be shown 1938.

tive.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 9, 1938.

The matter concerned herewith is in regard to an application by Utilities Employees Securities Company and by New England Capital Corporation for an order under section 2 (a) (8) of the Public Utility Holding Company Act of 1935 declaring said companies not to be subsidiary companies of the following companies:

Associated Gas and Electric Company, 126 South Cayuga Street, Ithaca, New York.

Associated Gas and Electric Corporation, 26 Journal Square, Jersey City, New

New England Gas and Electric Association, 719 Massachusetts Avenue, Cambridge, Massachusetts.

Associated Utilities Corporation, 26 Journal Square, Jersey City, New Jersey,

By the Commission.

[SEAL]

FRANCIS P. BRASSOR. Secretary.

[F. R. Doc. 38–2625; Filed, September 3, 1938; 11:52 a. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. held. At such hearing, if in respect of on the 2nd day of September, A. D. [Pile No. 31-4191

IN THE MATTER OF UTILITIES EMPLOYEES SECURITIES COMPANY AND NEW ENGLAND CAPITAL CORPORATION

[File No. 60-1]

IN THE MATTER OF UTILITIES EMPLOYEES SECURITIES COMPANY AND NEW ENGLAND CAPITAL CORPORATION

ORDER FOR CONSOLIDATION OF HEARINGS

The Commission now having pending before it the following related matters:

(1) File No. 31-419.-Application of Utilities Employees Securities Company and New England Capital Corporation pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935 to be declared not to be subsidiary companies of certain specified companies.

(2) File No. 60-1 .- Proceeding pursuant to section 2 (a) (11) (D) of said Act to determine whether such companies are affiliates of such specified companies and of other companies.

It appearing that such proceedings involve common questions of law and fact and that evidence offered in respect to each matter may have a bearing on the other; that the parties in the respective matters are substantially the same; and that substantial saving in time, effort and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter and so that the evidence adduced in each matter may stand as evidence in the other for all purposes.

It is ordered, That the matters referred to in (1) and (2) hereof, Commission's File Nos. 31-419 and 60-1, be and they hereby are consolidated for the purpose of hearings thereon. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of either of such matters, to order a separate hearing with respect to the same or any part thereof, or to close the record with respect thereto and/or to take action thereon prior to closing the record on said other matter.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-2626; Filed, September 3, 1938; 11:52 a. m.]

